



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

April 20, 2004
Wells

This meeting is a continuation of the regular Council meeting scheduled for April 13, 2004.

Mayor Lowry called the meeting to order at 7:30 pm.

PRESENT: Mayor Chuck Lowry, Councilmembers Betty Heckendorn, Malcolm Hickey, Judee Wells, and John Rose.

EXCUSED: Tom Robinson.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: WABA Representative Gerri Armbruster.

MINUTES: Councilmember Rose moved to approve the March 9, 2004 minutes as written. Councilmember Heckendorn seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT: Clerk-Treasurer Spens explained an incident that Deputy Clerk Donworth experienced relating to the delivery of the bulletin. She added that she and Deputy Clerk Donworth discussed several possibilities, including sending bulletins out every other month using bulk mail, which could be accomplished for about the same cost we currently pay for hand delivery. Councilmember Wells expressed concern that sending the bulletin out using bulk mail would add to the time that Deputy Clerk Donworth spends on the bulletin. Clerk-Treasurer Spens answered that she and Deputy Clerk Donworth discussed that issue and decided that it wasn't significant compared to the advantage of getting bulletins delivered to dry mailboxes rather than porches and driveways where they often get wet. Councilmember Rose suggested that we send out bulletins with the water bills for a period of time until the email distribution list for residents is completed. It was the consensus of the Council that this solution makes the most sense and asked Clerk-Treasurer Spens to work out the details with Deputy Clerk Donworth.

LOCKING MAILBOXES: Clerk-Treasurer Spens reported that 17 residents have responded that they want to purchase a locking mailbox. She noted that she would run the notice again with information about pricing to see if at least 50 residents are interested so we can qualify for a bulk-purchase discount.

VILLAGE EMAIL LIST: Clerk-Treasurer Spens reported that 25 residents have forwarded their email addresses to her. She will run the notice asking for responses several more times.

MUNICIPAL CODE: Clerk-Treasurer Spens reported that Code Publishing has estimated that it will cost \$1,368 to codify ordinances passed since their last draft and about \$30 per book to print copies and that this expenditure is not included in the 2003 budget. She then asked the Council about the status of this effort, particularly the work pointed out in Code Publishing's legal review. Mayor Lowry agreed that he is concerned that this expenditure is not budgeted. Councilmember Rose noted that budget-wise, the expenditure is probably okay, but might not be prudent given the latest initiative about property taxes. After further discussion, it was the consensus of the Council to put this project on hold until Clerk-Treasurer Spens can do more research on it.

DRAFT COMPREHENSIVE PLAN: Clerk-Treasurer Spens noted that copies of the draft Comprehensive Plan are included in Council packets so that the Council can review the Planning Commission's work to date. She explained that the Planning Commission would hold a public hearing on this draft on Thursday, April 22, 2004 to give residents a chance to review the draft plan and make comments. She noted that after the hearing, Planner Mona Green will forward the draft to the necessary state agencies for review, and when the state's comments are returned a final draft will come to the Council for review at a public hearing and passage. She stated that if the Council wishes to comment on the draft in its current form, there are at least several options: attend the Planning Commission's public hearing on Thursday and comment in person, forward comments to the Planning Commission prior to their meeting, or notify Clerk-Treasurer Spens of any areas of concern that she can pass to Planner Green before the draft is sent to the state. It was the consensus of the Council that each member will review the current draft and let Clerk-Treasurer Spens know if they have any concerns to be passed to Planner Green.

STATE BUILDING CODE UPDATES: Clerk-Treasurer Spens reported that she checked with The McAndrews Group about the state's planned adoption of the International Building Code and that they will forward language to insert in our Building Code ordinance to handle this.

FLOWER BASKETS: Clerk-Treasurer Spens reported that Robin Stefan has talked with the Molbaks, and they will be donating plants and materials for flower baskets again this year. Mayor Lowry asked that Clerk-Treasurer Spens prepare a thank-you letter for his signature.

WARRANTS: Councilmember Heckendorn moved to approve the April 20, 2004 warrant list, including warrant numbers 6366 through 6389 and 6391 in the amount of \$12,712.12. Councilmember Rose seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

MARSHAL'S REPORT: No report.

WABA REPORT: WABA Representative Gerri Armbruster reported that WABA has decided to reshape the speed bumps on the North Beach road in response to numerous complaints. She reminded the Council that the Beach Clean-up is schedule to begin at 8am on Saturday, April 25, 2004 and that 31 residents have volunteered as team leaders for 14 projects.

Ms. Armbruster reported that WABA has retained litigation counsel in the matter of the dispute with the Solaros and that at this time the expense will be paid for from WABA reserves. She

stated that WABA continues to contact the remaining property owners abutting WABA property to execute encroachment agreements.

WATER REPORT: No report.

EMERGENCY PREPAREDNESS: Clerk-Treasurer Spens reported for Councilmember Robinson that he attended an emergency-preparedness meeting recently at the City of Medina and had also met with Barb Graff of the Bellevue Fire Department.

IMPROVING STREET SIGNS FOR SAFETY: Sylvia Hobbs reported for the committee that they are in the process of collecting pricing information from several companies and plan to have a report for the Council in May.

MORATORIUM ON TREE CUTTING: Mayor Lowry opened the discussion on the tree-cutting moratorium by noting that Sylvia Hobbs is a member of the Planning Commission and asking her to explain the need for this moratorium. Ms. Hobbs stated that the Planning Commission was asked by the Council to review the need, if any, for regulations concerning the cutting of trees on private property. She noted that the Planning Commission first looked at the issue in March when Planner Mona Green brought copies of tree regulations from Mercer Island and Hunts Point and told the Commission that these communities had enacted tree-cutting moratoria to prevent massive tree cutting while they studied the issue. Ms. Hobbs explained that the members of the Beaux Arts Planning Commission felt that a similar six-month moratorium would be a wise move for Beaux Arts. She concluded by saying that the moratorium in no way reflects the direction that the Planning Commission will go with their review of the issue explaining that the Commission is undecided about whether regulations are in fact needed.

Councilmember Wells asked why natural vegetation is included in the moratorium. Clerk-Treasurer Spens answered that Town Attorney Stewart had written the ordinance very restrictively so that the Council could loosen it if they wanted. Councilmember Heckendorn asked if imposing this moratorium would hold up the issuance of building permits if the building plans showed the removal of one or more trees was needed. Councilmember Wells answered that it would but that the permit applicant might be able to apply for a variance.

Councilmember Wells asked if the moratorium should be restricted to trees larger than a specific trunk size. It was the consensus of the Council that the moratorium should be restricted to evergreen trees with trunks larger than a specified size.

Sylvia Hobbs pointed out that trees are an important element of the Town's Comprehensive Plan that many residents wish to protect in some way.

Councilmember Rose expressed concern about the moratorium's language concerning pruning since appropriate pruning is good for a tree and many people enjoy cutting flowers from their flowering trees to enjoy indoors.

Councilmember Hickey asked if the Town could just send a note to residents asking them not to cut any trees for this period. It was the consensus of the Council that such an action would not deter any cutting.

Councilmember Rose suggested that the moratorium be restricted to prohibiting the cutting of evergreens of larger than a certain size and that it not include cutting that has no impact on the health of the tree. He also suggested that the moratorium be limited to a 30-day period during which time the Council will hold a public hearing and determine if extending the moratorium is appropriate.

Councilmember Wells suggested that the Council limit the scope of the moratorium to evergreen trees larger than a specific size and set the penalty for cutting a protected tree at \$1,000 plus the cost of a replacement tree.

Councilmember Heckendorn asked if members of the Council are concerned that this moratorium constitutes a “taking”. Councilmember Wells doubted that the moratorium is a taking because it is only for a limited time and is intended to prevent unnecessary tree cutting in anticipation of regulations that may or may not materialize.

Walter Scott expressed concern about the impact of the Council’s actions tonight on property values and wondered if the Council has the moral right to limit property rights in this fashion.

Councilmember Wells suggested that Section 1. be revised to read: “. . . the topping or removal of any evergreen tree with a diameter in excess of eight inches measured at any point on the trunk and located on private or Town property (“Protected Tree”) in the Town of Beaux Arts Village” and that all references to “and natural vegetation” be deleted from the entire ordinance. She also suggested:

- changing Section 2. to address “protected trees” rather than just trees,
- inserting a new Section 3. describing the penalty for removing a protected tree as a \$1,000 fine per tree plus the cost to enforce collection of the fine and the cost of replacing the tree with a similar size and species tree,
- renumbering Sections 3. through 8 to accommodate the new Section 3.
- reducing the duration of the moratorium in (new) Section 4. Duration from 180 days to 30 days, and inserting an expiration date for the moratorium of May 20, 2004 unless extended by the Council,
- specifying in (new) Section 5. Public Hearing that the Council will hold its public hearing about this moratorium at its May 11, 2004 meeting, and
- revising (new) Section 6. Staff Direction to direct Town staff to survey the tree regulations of surrounding jurisdictions and provide a summary of these regulations to the Council for review prior to the May 11, 2004 public hearing.

It was the consensus of the Council to revise the ordinance according to Councilmember Wells suggestions and to have Clerk-Treasurer Spens email a copy of the ordinance as revised to Councilmember Wells so that she can review and approve the changes prior to Mayor Lowry signing the ordinance. Clerk-Treasurer Spens will also email copies of the final draft to the Planning Commission for their review at their April meeting.

MOTION: Councilmember Rose moved to pass Ordinance No. 323 Imposing a Moratorium on the Topping or Removal of Trees in Beaux Arts as amended during this session.

Councilmember Hickey seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

RESOLUTION NO. 208 METER READER CONTRACT: Clerk-Treasurer Spens pointed out that this is a housekeeping resolution to document the Mayor's signing of a new contract for meter-reading services with Kevin C. Deitrick, whose son, Chris, will do the actual work. She added that Chris will accompany Phil Lowry, our outgoing meter reader, on his next round of readings and that Phil has agreed to be available to answer questions when Chris reads the meters in June.

MOTION: Councilmember Rose moved to adopt Resolution No. 208 authorizing the Mayor to Execute an Agreement for Providing Meter Reading Services with Kevin C. Deitrick."

Councilmember Heckendorn seconded.

Vote: 4 For, 0 Against, 0 Abstain.

I-90 BRIDGE NOISE: Walter Scott reported to the Council that the 240 signatures on his petition got the attention of a few key players in the I-90 Design process and that a new plexiglass screen will be installed on the main bridge deck between the bike/pedestrian path and the roadway to protect path users from flying debris generated by passing motor vehicles. He added that he fully expects this design enhancement to be extended onto the East Channel bridge as well, though it may not have any impact on the sound from the bridge.

Mr. Scott stated that he would like to insert a memo in the upcoming Town Bulletin emphasizing the need for concerned Beaux Arts residents to attend a Sound Transit Board meeting on May 20th at Union Stations in Seattle and express their concerns during the public-comment period. Clerk-Treasurer Spens suggested that Mr. Scott condense his notice to its most important points and put the meeting time and date right up front, then submit the note to Deputy Clerk Donworth immediately as the bulletin will be going out later this week.

Mr. Scott added that he would like the Council to prepare a resolution supporting the installation of the plexiglass screen and the use of sound-mitigating paving on the East Channel bridge. Councilmember Rose will help prepare this resolution for the Council's consideration at their May 11 meeting.

PARKING RULES SET BY THE CURRENT ZONING CODE: Mayor Lowry explained that he asked for this agenda item because he had received a request that the parking restrictions set by the Town's Zoning Code be enforced on the new owner of the Hawkes property. He stated that a brief review of the regulations made him aware that there are probably many cases where parking rules are not consistently enforced. He asked the Council if they have any concerns about the regulations as written and the lack of consistent enforcement. After some discussion about the regulations, it was the consensus of the Council that no action is needed at this time.

PROPOSE HAZARD MITIGATION STRATEGY: Clerk-Treasurer Spens explained that she and Councilmember Robinson have been working with the King County Office of

Emergency Management to develop a hazard Mitigation Strategy for Beaux Arts that could be included in the County's Master Strategy as a so-called "annex" and filed with FEMA on the Town's behalf. She explained that after submitting our first draft, it has become apparent that this may not be the best avenue for our participation and that Councilmember Robinson and she have decided to reorient their efforts toward working with Barb Graff and the Bellevue Fire Department to develop our hazard mitigation and emergency response strategies, since they are the agency of first response to Beaux Arts in the event of an emergency.

MAYOR AND COUNCILMEMBER REPORTS:

SPRING STREET CLEAN UP: Councilmember Wells reported that she has scheduled the Town's Spring Clean Up for Saturday May 15th and asked Clerk-Treasurer Spens to include an announcement in the bulletin and post notices on mailstands.

REQUEST FOR PARK FUNDS FROM ROBIN STEFAN: Councilmember Wells recommended that Robin Stefan's request for Park Funds be approved since the expenditures are in line with what was budgeted for this project. It was the consensus of the Council to authorize this budgeted expenditure.

HERTZBERG SHED: Councilmember Hickey reported that the shed on the ROW near the Hertzberg property is being dismantled and WABA plans to use most, if not all, of the railroad ties as landscaping timbers during their Beach Clean Up this weekend.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for May 11th and will be held at Councilmember Heckendorn's house.

ADJOURN: Councilmember Hickey moved to adjourn the meeting at 10:00pm. Councilmember Wells seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer